



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 2, 2023

BY ECF

The Honorable Laura Taylor Swain
Chief United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: United States v. Telefonaktiebolaget LM Ericsson,
19 Cr. 884 (LTS)**

Dear Chief Judge Swain:

On behalf of the parties, the Government respectfully requests that the Court schedule a proceeding at which Telefonaktiebolaget LM Ericsson (“Ericsson”) will plead guilty, pursuant to the plea agreement attached as Exhibit A (the “Plea Agreement”), to Counts One and Two of the above-cited Information. As discussed in Exhibit A, the Plea Agreement follows the Government’s determination that Ericsson has breached its cooperation and disclosure obligations under the deferred prosecution agreement between the parties entered into on December 6, 2019 (the “DPA”).

During the proceeding, the Government expects that a representative of Stockholm, Sweden-based Ericsson, an issuer of publicly traded securities in the United States, will enter a guilty plea to the Information, pursuant to the Plea Agreement. The parties are prepared to proceed directly to sentencing without the need for a presentence report. The Plea Agreement is subject to judicial approval, pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. In accordance with Rule 11(c)(5)(B), Ericsson may withdraw its plea of guilty in the event that the Court declines to impose the stipulated penalties set forth in the Plea Agreement.

The Government respectfully proposes that the Court conduct the proceeding as follows:

1. Allocute Ericsson on the Certificate of Corporation Resolution of its Board of Directors, which is attached as Attachment B to the Plea Agreement, such as by asking the

following questions:

- a. [To the Government] I understand that there is a plea agreement between the Government and Ericsson. Is that correct?
- b. [To the defendant] Do you have before you the plea agreement?
- c. Who signed the plea agreement on behalf of the defendant?
- d. Exhibit B to the plea agreement is a signed Certificate of Corporate Resolution regarding the Board resolution approving the execution of the plea agreement. Does this certificate accurately reflect the relevant excerpt of that Board resolution, as duly adopted by Ericsson's Board of Directors?
- e. Does the plea agreement contain all the terms and understandings between the parties in this case?

2. Allocute Ericsson on the entry of its guilty pleas to Counts One and Two of the Information, pursuant to Federal Rule of Criminal Procedure 11, as follows:

- a. Ensure that (i) Ericsson's duly authorized corporate officer (the "Corporate Officer"), namely Matthew Matule, Group Head of Litigation and Disputes of Ericsson, is sworn in for the purposes of conducting an allocution; (ii) the Corporate Officer has, in fact, been authorized by Ericsson's Board of Directors to speak and act on Ericsson's behalf throughout the proceeding; (iii) the Corporate Officer understands what is happening in the proceeding; and (iv) counsel for Ericsson has explained to the Corporate Officer the consequences that may flow from the proceeding.
- b. Conduct a full allocution pursuant to Rule 11(b), including advising Ericsson of the rights it is giving up by pleading guilty and establishing a factual basis for the plea by permitting the Corporate Officer, and if appropriate the Government, to address how Ericsson's conduct satisfies the elements of the count charged in Counts One and Two of the Information.

3. If the Court is prepared to do so, proceed to sentencing of Ericsson. Under the Plea Agreement and Federal Rule of Criminal Procedure 11(c)(1)(C), the parties recommend that the Court impose the following sentence:

- a. a term of probation until June 2, 2024, during which Ericsson will be subject to conditions that include fulfilling its obligations under Paragraphs 8(a)-(g), 12, and 13 of the Plea Agreement;
- b. extension of the term of the independent compliance monitor until June 2, 2024;

- c. an additional criminal fine of \$206,728,848, which, together with the \$520,650,432 criminal penalty Ericsson paid under the DPA, brings Ericsson's total criminal penalty to \$727,379,280; and
- d. the mandatory special assessment of \$400 per count, or \$800 total.

Respectfully submitted,

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Encl.

cc: Counsel to Ericsson (by ECF)